

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEONARD ARTHUR WATLEY,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF AGRICULTURE,

Defendant.

Case No. C07-1190RJB

ORDER

This matter comes before the Court on Plaintiff's Application for Court Appointed Counsel in Title VII Action. Dkt. 4. The Court has considered the pleadings filed in support of this motion, and the remainder of the file herein.

On August 8, 2007, Plaintiff, pro se, filed a complaint naming the Washington State Department of Agriculture as defendant. Dkt. 1. Plaintiff was granted in forma pauperis status on August 8, 2007. Dkt. 2. Plaintiff uses what appears to be a form for a complaint. Dkt. 3. Plaintiff alleges that "Defendant's conduct is discriminatory with respect to the following: singling [him] out and treated [him] differently than the other permanent employees." *Id.* at 2. The complaint alleges that "the agency provided no documentation that supported their need to terminate my employment." *Id.* Plaintiff now requests an attorney be appointed for him. Dkt. 4. Plaintiff's motion indicates that he tried to obtain an attorney on the following dates: June 23, 2006, March 9, 2007, June 28, 2007, July 2, 2007 and July 5, 2007. Dkt. 4, at 2.

1 Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to
2 afford counsel. Under Section 1915, the court may appoint counsel in exceptional circumstances.
3 *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court
4 must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims
5 pro se in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th
6 Cir. 1983).

7 Plaintiff has not shown that he is likely to succeed on the merits. He has not shown he is unable to
8 articulate the instant case's claims pro se in light of the complexity of the legal issues involved. Plaintiff
9 has not shown that exceptional circumstances warrant appointment of counsel in this matter.

10 Therefore, it is hereby

11 **ORDERED** that the Plaintiff's Application for Court Appointed Counsel in Title VII Action (Dkt.
12 4) is **DENIED**.

13 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
14 party appearing *pro se* at said party's last known address.

15 DATED this 10th day of September, 2007.

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18 ROBERT J. BRYAN
19 United States District Judge
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